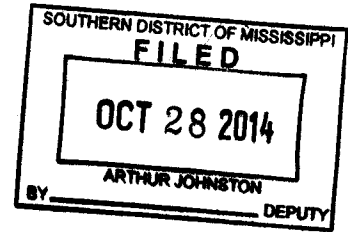


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION



Willie Blocker,

Plaintiff,

v.

Bluestem Brands, Inc. d/b/a Fingerhut,

Defendant.

Civil Action No.: 3:14cv836 HTW-LRA

COMPLAINT

For this Complaint, Plaintiff, Willie Blocker ("Plaintiff"), by undersigned counsel, alleges the following against Defendant, Bluestem Brands, Inc. d/b/a Fingerhut ("Defendant"):

INTRODUCTION

1. Plaintiff's Complaint alleges that Defendant negligently, knowingly and/or willfully violated the Telephone Consumer Protection Act ("TCPA"), 47 U.S.C. § 227 *et seq.*

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to 28 U.S.C. § 1331.
3. Because Defendant conducts business in the State of Mississippi, personal jurisdiction is established.
4. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2).

PARTIES

5. Plaintiff is a natural person who resides in Terry, Hinds County, Mississippi.
6. Defendant is a business entity incorporated in Delaware and headquartered at 6509 Flying Cloud Drv., Eden Prairie, Minnesota 55344.
7. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

8. Defendant places telephone calls to Plaintiff's cellular telephone at phone number 769-226-17XX
9. Defendant places telephone calls to Plaintiff from phone numbers including, but not limited to, 855-636-3695.
10. Per its prior business practices, Defendant's calls were placed with an automated dialing system ("auto-dialer").
11. Defendant's calls are for non-emergency purposes.
12. On or around July 24, 2014, Plaintiff spoke to Defendant's employee and requested that Defendant stop placing calls to his cellular telephone.
13. Plaintiff revoked any consent, express or implied, to receive automated collection calls from Defendant.
14. Despite Plaintiff's request to cease, Defendant continued to use an auto dialer to call Plaintiff's cell phone.
15. Between July 26 and October 19, 2014, Defendant called Plaintiff's cell phone at least one hundred eighty-two (182) times
16. Defendant knowingly, willfully, and intentionally continued to use an auto dialer to call Plaintiff's cell phone.

COUNT I

DEFENDANT VIOLATED THE TELEPHONE CONSUMER PROTECTION ACT

17. Defendant's actions alleged *supra* constitute numerous negligent violations of the TCPA, entitling Plaintiff to an award of \$500.00 in statutory damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B).

18. Defendant's actions alleged *supra* constitute numerous and multiple knowing and/or willful violates of the TCPA, entitling Plaintiff to an award of \$1500.00 in statutory damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

19. Statutory damages of \$500.00 for each and every negligent violation of the TCPA pursuant to 47 U.S.C. § (b)(3)(B);
20. Statutory damages of \$1500.00 for each and every knowing and/or willful violation of the TCPA pursuant to 47 U.S.C. § (b)(3)(b) and 47 U.S.C. § (b)(3)(C);
21. All court costs, witness fees and other fees incurred; and
22. Any other relief that this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

By: 

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VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF MISSISSIPPI)

Plaintiff, Willie Blocker, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, Willie Blocker, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct

Willie Blocker

Date

9/2/2014

Willie Blocker